

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julian Phillips	Team: Squad #5	CCRB Case #: 201905363	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 04/11/2019 4:05 AM	Location of Incident: [REDACTED]	Precinct: 52	18 Mo. SOL 10/11/2020	EO SOL 5/28/2021	
Date/Time CV Reported Tue, 06/11/2019 2:37 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Tue, 06/18/2019 4:01 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. DT3 Louis Defranco	1794	952648	NARCBMS
3. An officer			Unknown
4. DT3 Benjamin Lopez	2531	953007	009 DET
5. CPT Sharon Balli	00000	934541	NARCBMS
6. DT3 Roy Abounaoum	01848	945448	NARCBMS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Stephen Loud	00924	932923	NARCBMS
2. DT3 Ryan Moyles	221	955227	NARCBMS
3. POM Edgar Rivera	05576	955381	052 PCT
4. POM Ariel Eusebio	19648	958565	052 PCT
5. DT2 Jason Deltoro	04218	930017	NARCBMS
6. DT3 Donald Hegarty	01988	931722	NARCBMS
7. LT Fabian Sanchez	00000	932211	009 DET
8. DT3 Kyle Crevatas	95	947732	NARCBMS
9. DT3 Rafael Ramirez	5234	947379	NARCBMS
10. DT3 Edgar Mercado	03007	939024	NARCBMS
11. DT3 Richard Mclees	4478	948092	NARCBMS
12. DT3 Michael Pena	04198	949899	NARCBMS

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Louis Defranco	Abuse: Detective Louis Defranco entered § 87(2)(b) [REDACTED] in the Bronx.	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
B.DT3 Louis Defranco	Abuse: Detective Louis Defranco searched § 87(2)(b) in the Bronx.	
C.DT3 Louis Defranco	Abuse: Detective Louis Defranco damaged § 87(2)(b) s property.	
D.DT3 Louis Defranco	Abuse: Detective Louis Defranco damaged § 87(2)(b) s property.	
E. An officer	Force: An officer pointed his gun at § 87(2)(b)	
F. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
G. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
H.DT3 Roy Abounaoum	Force: Detective Roy Abounaoum used physical force against § 87(2)(b)	
I.DT3 Roy Abounaoum	Force: Detective Roy Abounaoum used physical force against § 87(2)(b)	
J.DT3 Roy Abounaoum	Discourtesy: Detective Roy Abounaoum spoke discourteously to § 87(2)(b)	
K.CPT Sharon Balli	Force: Captain Sharon Balli pointed her gun at § 87(2)(b)	
L.DT3 Louis Defranco	Force: Detective Louis Defranco pointed his gun at § 87(2)(b)	
M.DT3 Louis Defranco	Force: Detective Louis Defranco struck § 87(2)(b) with a police shield.	
N.DT3 Louis Defranco	Force: Detective Louis Defranco used physical force against § 87(2)(b)	
O.DT3 Benjamin Lopez	Force: Detective Benjamin Lopez used physical force against § 87(2)(b)	
P.DT3 Benjamin Lopez	Force: Detective Benjamin Lopez used physical force against § 87(2)(b)	
Q. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b)	
R. Officers	Force: Officers used physical force against § 87(2)(b)	
S. An officer	Abuse: An officer refused to show the search warrant to § 87(2)(b)	
T. An officer	Abuse: An officer refused to show the search warrant to § 87(2)(b)	
U.DT3 Louis Defranco	Abuse: Detective Louis Defranco damaged § 87(2)(b) s property.	
V.DT3 Benjamin Lopez	Abuse: Detective Benjamin Lopez damaged § 87(2)(b) s property.	
W.DT3 Louis Defranco	Abuse: Detective Louis Defranco seized § 87(2)(b) s property.	
X.DT3 Louis Defranco	Abuse: Detective Louis Defranco seized § 87(2)(b) s property.	
Y.DT3 Louis Defranco	Abuse: Detective Louis Defranco seized § 87(2)(b) s property.	
Z.DT3 Louis Defranco	Abuse: Detective Louis Defranco seized § 87(2)(b) s property.	

Officer(s)	Allegation	Investigator Recommendation
2A.DT3 Louis Defranco	Abuse: Detective Louis Defranco seized § 87(2)(b) s property.	
2B.DT3 Louis Defranco	Abuse: Detective Louis Defranco seized § 87(2)(b) Peña's property.	

Case Summary

On June 11, 2019, § 87(2)(b) filed this complaint with the CCRB via mail.

On April 11, 2019, at approximately 4:05 a.m., Detective Louis Defranco and other officers from Manhattan South Narcotics executed a “no-knock” search warrant at § 87(2)(b) in the Bronx. § 87(2)(b) and § 87(2)(b) were the leaseholders of the apartment. The officers entered the apartment, breaking down the apartment door in the process (**Allegations A-D: Abuse of Authority**, § 87(2)(g)). Detective Roy Abounaoum and other officers entered a bedroom shared by § 87(2)(b) and § 87(2)(b) where an officer allegedly pointed his gun at § 87(2)(b) and an officer allegedly said to them both, “Put your hands in the fucking air” (**Allegation E: Force**, § 87(2)(g); **Allegations F-G: Discourtesy**, § 87(2)(g)). Det. Abounaoum allegedly kicked § 87(2)(b) multiple times in the torso as he was on the ground (**Allegation H: Force**, § 87(2)(g)). Det. Abounaoum then allegedly pressed his foot against § 87(2)(b)'s ear (**Allegation I: Force**, § 87(2)(g)). Det. Abounaoum allegedly said, “Shut the fuck up” to § 87(2)(b) (**Allegation J: Discourtesy**, § 87(2)(g)). Captain Sharon Balli allegedly pointed her gun at § 87(2)(b) (**Allegation K: Force**, § 87(2)(g)).

Det. Defranco and Detective Benjamin Lopez, of the 9th Precinct Detective Squad, entered a bedroom shared by § 87(2)(b) and § 87(2)(b). Det. Defranco allegedly pointed his gun at § 87(2)(b) and brought her to the ground by kicking her, pulling her, or striking her with a ballistic shield (**Allegation L: Force**, § 87(2)(g); **Allegation M: Force**, § 87(2)(g); **Allegation N: Force**, § 87(2)(g)). Det. Lopez allegedly pushed § 87(2)(b) onto the floor and kicked him (**Allegations O-P: Force**, § 87(2)(g)). All of the civilians were arrested and escorted to the living room of the apartment.

A neighbor named § 87(2)(b) entered the apartment. Officers allegedly said to § 87(2)(b) “Who the fuck are you?” and, “Get the fuck out” (**Allegation Q: Discourtesy**, § 87(2)(g)). Officers allegedly tackled § 87(2)(b) to the ground (**Allegation R: Force**, § 87(2)(g)). While in the apartment living room, officers allegedly failed to show a copy of the search warrant to § 87(2)(b) and § 87(2)(b) upon their request (**Allegations S-T: Abuse of Authority**, § 87(2)(g)). Officers removed all of the civilians from the apartment, and Det. Defranco and Det. Lopez searched the apartment. During the search, the officers allegedly cut open the cushions of a sofa and Det. Lopez cut open an audio speaker (**Allegations U-V: Abuse of Authority**, § 87(2)(g)). Det. Defranco seized property belonging to § 87(2)(b) and § 87(2)(b) (**Allegations W-AB: Abuse of Authority**, § 87(2)(g)).

The investigation did not obtain video footage of this incident. The officers were not equipped with BWCs at the time of the incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Louis Defranco entered § 87(2)(b) in the Bronx.

Allegation (B) Abuse of Authority: Detective Louis Defranco searched § 87(2)(b) in the Bronx.

Allegation (C) Abuse of Authority: Detective Louis Defranco damaged § 87(2)(b)'s property.

Allegation (D) Abuse of Authority: Detective Louis Defranco damaged § 87(2)(b)'s property.

It is undisputed that officers entered and searched § 87(2)(b) and

that they damaged the apartment front door and an interior bedroom door while making entry into the apartment.

The investigation confirmed that Det. Defranco obtained “no-knock” search warrant #§ 87(2)(b) for § 87(2)(b) two days prior to the incident (**Board Review 01**).

NYS Criminal Procedure Law §690.50 permits officers who have obtained a valid judge-issued search warrant to enter and search the location (**Board Review 02**).

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Force: An officer pointed his gun at § 87(2)(b)

Allegation (F) Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation (G) Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation (H) Force: Detective Roy Abounaoum used physical force against § 87(2)(b)

Allegation (I) Force: Detective Roy Abounaoum used physical force against § 87(2)(b)

Allegation (J) Discourtesy: Detective Roy Abounaoum spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that he and § 87(2)(b) were lying in bed with the lights off when the officers entered the apartment, and then numerous officers entered the bedroom. Multiple officers, whom § 87(2)(b) could not describe, pointed guns at § 87(2)(b) did not recall any officer saying, “Put your fucking hands in the air.”

Without first issuing any commands at all, Det. Abounaoum grasped hold of § 87(2)(b) and pulled him out of bed, causing him to fall on the floor. § 87(2)(b) reported that he sustained minor facial swelling from going to the floor. Det. Abounaoum handcuffed § 87(2)(b) and then used additional physical force against him. § 87(2)(b) provided crucially differing accounts of this portion of the incident between his initial telephone statement (**Board Review 04**) and his CCRB interview (**Board Review 03**). He also provided a follow-up phone statement (**Board Review 05**). Initially, § 87(2)(b) recounted that Det. Abounaoum kicked him three times in the ribs once he was on the ground. § 87(2)(b) turned his head to tell Det. Abounaoum that § 87(2)(b) was naked, and Det. Abounaoum kicked him once on the *left* side of his face and pressed his foot against his *left* ear, which caused his *left* ear to bleed. However, during his later interview, § 87(2)(b) recounted that Det. Abounaoum actually kicked him four or five times in the area of his back and ribcage. He reported sustaining bruising and significant pain from these kicks. § 87(2)(b) did not repeat his allegation that Det. Abounaoum kicked his face at all, and now he alleged that Det. Abounaoum pressed his foot against his *right* ear. Det. Abounaoum applied pressure with his foot for five minutes, which caused § 87(2)(b)'s *right* ear to bleed. In his follow-up phone statement, § 87(2)(b) did not provide additional information about the force used against him, but he did allege for the first time that Det. Abounaoum said, “Shut the fuck up,” before he started kicking him.

In his initial phone statement, § 87(2)(b) reported that he made three hospital visits after his release from custody, and that he was diagnosed with a fractured *left* ear. He also reported that he

was still experiencing difficulty hearing from that ear five months after the incident. During his interview, however, § 87(2)(b) did not repeat these injury claims; he merely reported that his *right* ear was bloody. He reiterated that he sought medical treatment on three occasions after his release from custody. However, he refused to sign HIPAA forms § 87(2)(g)

§ 87(2)(b) also did not provide any photographic evidence of his injuries. No medical treatment of prisoner form was prepared documenting any medical treatment of § 87(2)(b) while in NYPD custody.

In her CCRB interview (**Board Review 06**) and additional telephone statement (**Board Review 07**), § 87(2)(b) testified that she and § 87(2)(b) were lying in bed when the officers entered the apartment. Det. Abounaoum and an unidentified male officer entered the bedroom, and this second officer pointed his gun at § 87(2)(b). An officer, whom § 87(2)(b) could not identify, said, “Put your hands in the fucking air.” Det. Abounaoum pulled § 87(2)(b) out of bed, causing him to fall on the floor. § 87(2)(b) denied witnessing Det. Abounaoum kick § 87(2)(b) s torso. § 87(2)(b) turned his head to say something, and Det. Abounaoum stomped on § 87(2)(b) s head.

In his CCRB interview, § 87(2)(b) reported that he saw officers make forced entry into § 87(2)(b) s bedroom, and that he heard an officer say, “Get on the ground.” § 87(2)(b) replied, “I’m getting on the ground now.” § 87(2)(b) then yelled, “Don’t hit him!” § 87(2)(b) then heard a sound he likened to something “tumbling to the floor.” § 87(2)(b) could not see into the bedroom at that time. Later, as officers walked him by the open door to the bedroom, § 87(2)(b) saw Det. Abounaoum with his foot pressed against the right side of § 87(2)(b) s face, and blood was coming from his right ear.

Det. Abounaoum testified (**Board Review 08**) that he entered § 87(2)(b) s bedroom and ordered § 87(2)(b) to show his hands. Det. Abounaoum denied using any profanity while speaking to § 87(2)(b) and he specifically denied saying, “Put your hands in the fucking air,” or, “Shut the fuck up.” Det. Abounaoum did not recall anything about § 87(2)(b) s apprehension. Det. Abounaoum denied pulling § 87(2)(b) out of bed, as he stated that he could not have done so because he had his ballistic shield in one hand and his gun in his other hand. Det. Abounaoum further denied kicking § 87(2)(b) s torso or placing his foot on § 87(2)(b) s head.

Det. Del Toro, who entered § 87(2)(b) s bedroom with Det. Abounaoum, testified (**Board Review 09**) that he had no memory of this incident. Det. Del Toro denied saying, “Put your hands in the fucking air,” as he does not use profanity while speaking to civilians. Det. Del Toro did not recall any officer pulling § 87(2)(b) out of bed, kicking § 87(2)(b) or stepping on § 87(2)(b) s head.

On May 11, 2021, the Office of the Integrity Control Officer at Manhattan South Narcotics confirmed that Capt. Balli began retirement terminal leave and was considered relieved of all official duties (**Board Review 10**). DAO confirmed that Capt. Balli began terminal leave on March 26, 2021 (**Board Review 29**). As a result, the investigation was unable to interview Capt. Balli.

§ 87(2)(g)

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation (K) Force: Captain Sharon Balli pointed her gun at § 87(2)(b)

As noted above, § 87(2)(b) recounted that she and § 87(2)(b) were lying in bed when the officers entered. She testified that Capt. Balli pointed a gun in her direction at that point, when the officers first entered the bedroom. § 87(2)(b) did not separately allege that an officer pointed a gun at her head or face again during the incident. Capt. Balli had § 87(2)(b) wait in the bed until the officers removed § 87(2)(b) from the room. Capt. Balli then assisted § 87(2)(b) with getting dressed and escorted her out to the living room.

In his initial phone statement, § 87(2)(b) recounted that Capt. Balli entered the bedroom and pulled § 87(2)(b) out of bed and onto the floor. Capt. Balli then pointed her gun in § 87(2)(b)'s face before handcuffing her. In his interview, § 87(2)(b) merely repeated that Capt. Balli pointed her gun in § 87(2)(b)'s face. In his follow-up statement, § 87(2)(b) recounted that Capt. Balli entered the room and put the barrel of her gun less than a foot from § 87(2)(b)'s head

and kept it aimed there for at least 3-5 minutes, until officers removed § 87(2)(b) from the room.

Det. Abounaoum did not recall any officer pointing a gun at § 87(2)(b)'s head. As noted above, the investigation was unable to interview Capt. Balli before she entered the retirement process and was relieved of official duties.

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation (L) Force: Detective Louis Defranco pointed his gun at § 87(2)(b)

Allegation (M) Force: Detective Louis Defranco struck § 87(2)(b) with a police shield.

Allegation (N) Force: Detective Louis Defranco used physical force against § 87(2)(b)

§ 87(2)(b) testified (**Board Review 11**) that she stood up from the bed when Det. Defranco entered her bedroom. Det. Defranco pointed his gun at § 87(2)(b) from when he first entered the bedroom until she was ultimately handcuffed. Det. Defranco yelled for § 87(2)(b) to get on the ground, and she raised her hands above her head. Det. Defranco struck § 87(2)(b) on an unknown part of her body with his ballistic shield, causing her to fall to the floor. Det. Defranco then handcuffed § 87(2)(b).

§ 87(2)(b) testified (**Board Review 12**) that, after officers entered the apartment, § 87(2)(b) walked from the bed towards the bedroom door. Det. Defranco entered the bedroom and kicked § 87(2)(b)'s left leg, causing her to fall to the ground.

In her follow-up telephone statement, § 87(2)(b) testified that Det. Defranco grasped hold of § 87(2)(b)'s arm and pulled, causing § 87(2)(b) to fall to the ground. § 87(2)(b) did not know Det. Defranco to have kicked § 87(2)(b) or struck her with a ballistic shield.

Det. Defranco testified (**Board Review 13**) that § 87(2)(b) was sitting up in bed when he entered the bedroom. § 87(2)(b) was compliant and was handcuffed while sitting in bed. Det. Defranco denied kicking § 87(2)(b) or striking her with a ballistic shield.

Det. Lopez, who accompanied Det. Defranco to the entrance of the bedroom, testified (**Board Review 14**) that he did not witness any officer knock § 87(2)(b) to the ground in any manner.

§ 87(2)(g)
[REDACTED]

Allegation (O) Force: Detective Benjamin Lopez used physical force against § 87(2)(b)

Allegation (P) Force: Detective Benjamin Lopez used physical force against § 87(2)(b)

§ 87(2)(b) testified that he was inside a bathroom located directly outside of his bedroom door when the officers entered the apartment. § 87(2)(b) opened the bathroom door and stood in the doorway. Det. Lopez approached § 87(2)(b) and, without saying anything, shoved him to the ground. § 87(2)(b) landed on his stomach on the ground. Det. Lopez kicked § 87(2)(b) on the back a single time.

The sole injury § 87(2)(b) sustained was a bleeding scratch to the back of his left hand, and he was not sure specifically what caused that injury. His NYC DOC medical records from the day following the incident note no apparent physical injuries and have no indication that he complained of any injuries (see **Privileged Records**).

§ 87(2)(b) testified that she did not witness any physical force against § 87(2)(b)

§ 87(2)(b) provided a telephone statement to the CCRB (**Board Review 15**). § 87(2)(b) stated that she witnessed Det. Lopez shove § 87(2)(b) from the bathroom through the door of his bedroom, but that she did not see whether § 87(2)(b) fell to the floor and did not see any subsequent physical force used against him.

Det. Lopez testified that he approached § 87(2)(b) directly outside the bathroom door. Det. Lopez ordered § 87(2)(b) to get on the floor, and § 87(2)(b) complied. Det. Lopez handcuffed § 87(2)(b) without incident. Det. Lopez denied shoving § 87(2)(b) to the ground or kicking him on the back. Det. Lopez was not interviewed until approximately 21 months after the incident.

Det. Defranco testified that, when he entered the bedroom, § 87(2)(b) was sitting up in bed. § 87(2)(b) was handcuffed in bed without incident. Det. Defranco denied witnessing any officer shove § 87(2)(b) to the floor or kicking § 87(2)(b). Det. Defranco also was not interviewed until approximately 21 months after the incident.

§ 87(2)(g)

Allegation (Q) Discourtesy: Officers spoke discourteously to § 87(2)(b)

Allegation (R) Force: Officers used physical force against § 87(2)(b)

In his final telephone statement to the CCRB, § 87(2)(b) testified that, while the civilians were sitting handcuffed in the living room, § 87(2)(b) a family friend, stepped into the apartment. Officers whom § 87(2)(b) could not describe said, “Who the fuck are you?” and, “Get the fuck out.” The same officers tackled § 87(2)(b) to the ground. § 87(2)(b) was unable to describe the use of force in any greater detail or provide any additional information to support his allegation.

In her sworn testimony, § 87(2)(b) stated that § 87(2)(b) entered the living room and asked what was going on. Officers pulled § 87(2)(b)'s hands behind his back and handcuffed him without incident.

Neither § 87(2)(b) nor § 87(2)(b) (**Board Review 16**) reported any incident involving § 87(2)(b) entering the apartment. § 87(2)(b) stated that no other civilians entered the apartment at any point.

The investigation was unable to locate or obtain testimony from § 87(2)(b).

Det. Defranco testified that § 87(2)(b) entered the living room and began jumping up and down and yelling. Officers ordered § 87(2)(b) to exit, and he did not comply. Officers handcuffed § 87(2)(b) without incident. Det. Defranco denied saying, “Who the fuck are you?” or, “Get the fuck out,” and he further denied participating in a takedown of § 87(2)(b). Det. Defranco denied witnessing any officers engage in these actions.

Det. Abounaoum, Det. Lopez, Det. Del Toro, and Lt. Sanchez (**Board Review 17**) all testified that they did not recall any incident involving a neighbor entering the apartment.

§ 87(2)(b)'s arrest report was sealed and could not be obtained by the CCRB.

§ 87(2)(g)

§ 87(2)(g)

Allegation (S) Abuse of Authority: An officer refused to show the search warrant to § 87(2)(b).

Allegation (T) Abuse of Authority: An officer refused to show the search warrant to § 87(2)(b).

§ 87(2)(b) testified that, while he was sitting handcuffed in the living room, he asked three unidentified officers to see a copy of the search warrant, and they all informed him that another officer would show this document. No officer ever showed § 87(2)(b) a copy of the search warrant.

§ 87(2)(b) testified that, while he was sitting handcuffed in the living room, he and § 87(2)(b) asked Det. Peña and a second unidentified officer to see a copy of the search warrant, and they both responded that they could not discuss it prior to arriving at the stationhouse.

§ 87(2)(b) testified that she did not believe that any of the occupants of the apartment asked to see a copy of the search warrant.

§ 87(2)(b) stated that she heard § 87(2)(b) repeatedly say the word, “Warrant,” although she did not understand the entirety of the conversation as she does not understand English. No officer ever showed a document to any occupant of the apartment.

§ 87(2)(b) testified that § 87(2)(b) asked an unidentified officer to see a copy of the search warrant, and the officer responded that he could not do anything at that time.

§ 87(2)(b) testified that she heard § 87(2)(b) and § 87(2)(b) ask to see copies of the search warrant, but she did not know which officers they were speaking to at this time.

Det. Abounaoum, Det. Defranco, Det. Del Toro, Det. Lopez, and Lt. Sanchez all testified that they did not know of any civilians asking to see copies of the search warrant while in the living room,

and they all denied failing to show anyone a copy of the search warrant upon request.

The investigation was unable to identify the subject officers of these allegations. § 87(2)(b) and § 87(2)(b) did not provide consistent descriptions of the officers who they alleged failed to show the search warrant upon request. § 87(2)(b) identified a second subject officer as Det. Peña, however, Det. Peña's memo book (**Board Review 18**) shows that he did not ever respond to 173 Father Zeiser Place and only interacted with § 87(2)(b) and § 87(2)(b) at the 50th Precinct stationhouse. None of the officers interviewed were able to identify members of the warrant team who corresponded to the descriptions provided by § 87(2)(b) and § 87(2)(b).

§ 87(2)(g)

Allegation (U) Abuse of Authority: Detective Louis Defranco damaged § 87(2)(b) s property.

Allegation (V) Abuse of Authority: Detective Benjamin Lopez damaged § 87(2)(b) s property.

Allegation (W) Abuse of Authority: Detective Louis Defranco seized § 87(2)(b) s property.

Allegation (X) Abuse of Authority: Detective Louis Defranco seized § 87(2)(b) s property.

Allegation (Y) Abuse of Authority: Detective Louis Defranco seized § 87(2)(b) s property.

Allegation (Z) Abuse of Authority: Detective Louis Defranco seized § 87(2)(b) s property.

Allegation (AA) Abuse of Authority: Detective Louis Defranco seized § 87(2)(b) s property.

Allegation (AB) Abuse of Authority: Detective Louis Defranco seized § 87(2)(b) s property.

It is undisputed that, after the occupants of § 87(2)(b) were removed from the apartment and transported to the 50th Precinct stationhouse, Det. Defranco and Det. Lopez conducted a search of the apartment. It is further undisputed that, during this search, Det. Defranco confiscated money, electronic devices, identifications cards and other documents, and narcotics. It is also undisputed that, during the search process, an officer cut cushions open and Det. Lopez cut open an audio speaker containing narcotics.

The search warrant directed officers to retrieve currency, financial records, electronic communications equipment, documentation of the apartment ownership, drugs, and drug paraphernalia from inside the apartment.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) or § 87(2)(b) has been a party (**Board Review 19-24**).

- § 87(2)(b)
- Det. Abounaoum has been a member of service for 13 years and has been subject to four other CCRB complaints and fourteen allegations, one of which was substantiated.
 - 201303165 involved a substantiated allegation of discourteous language against Det. Abounaoum. The Board recommended Command Discipline and the NYPD imposed Instructions.
- Captain Balli has been a member of service for 16 years and this is the first CCRB complaint to which she has been subject.
- Det. Defranco has been a member of service for eight years and has been subject to nine previous CCRB cases and 11 allegations, none of which was substantiated. § 87(2)(g)
- Det. Lopez has been a member of service for eight years and has been subject to four prior CCRB cases and four allegations, none of which was substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of April 6, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (**Board Review 26**).
- According to the NYPD's Booking, Arraignment, and Disposition System, as of February 5, 2021, § 87(2)(b) or § 87(2)(b) do not have any history of arrests in New York City.
- According to the Office of Court Administration (OCA), as of February 5, 2020, § 87(2)(b) does not have any history of convictions in New York City (**Board Review 27**).
- § 87(2)(b)

Squad No.: 5

Investigator:	<u>Julian Phillips</u>	<u>SI Julian Phillips</u>	<u>June 16, 2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Daniel Giansante</u>	<u>IM Daniel Giansante</u>	<u>June 16, 2021</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date